## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

))))

))))

CHANDENG M., Plaintiff,	
v.	
NANCY A. BERRYHILL, ACTING COMMISSIONER SOCIAL SECURITY, Defendant.	OF

No. 1:18-cv-00362-LDA

## ORDER

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the government's request to remand this action for further consideration, it is ordered that upon remand, the case will be remanded to a different administrative law judge ("ALJ") in accordance with HALLEX I-2-1-55.D.5. The 2016 award of benefits on the subsequent application shall not be reopened, and this remand for further administrative proceedings is limited to a determination of eligibility from the alleged date of onset, September 1, 2012 through September 25, 2014 – the day prior to the established onset date in the 2016 award. The ALJ will be instructed to evaluate the opinion evidence in accordance with the applicable regulations, reconsider whether the evidence supports a finding that the claimant could return to his past relevant work, take further action as is necessary to complete the administrative record resolving the above issues, and issue a new decision.

Therefore, this Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) and remands the cause to the Commissioner for further proceedings. The

clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of

Civil Procedure.

Procedure. SO ORDERED this <u>Standay of</u> <u>April</u>.

NN N

HON. WILLIAM E. SMITH United States District Judge